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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MAR 06 2008
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 at 1 o'clock and 15 min.
 SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

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|--|------------------------------|
| RAYMOND WARE, |) CIVIL NO. 04-00671 HG/LEK |
| |) |
| Plaintiff, |) PLAINTIFF'S EX PARTE |
| |) MOTION TO SHORTEN TIME |
| vs. |) FOR HEARING ON PLAINTIFF'S |
| |) MOTION TO HAVE WITNESS |
| MICHAEL CHERTOFF, Secretary, Department of Homeland Security; |) TESTIFY BY VIDEO OR TO |
| JOHN DOES 2-5, |) CONTINUE TRIAL; |
| |) DECLARATION OF COUNSEL; |
| Defendants. |) PROPOSED ORDER; |
| |) CERTIFICATE OF SERVICE |
| |) |
| |) |
| |) |
| |) |
| |) |

TRIAL DATE: March 11, 2008
 TIME: 9:00 a.m.
 JUDGE: Hon. Helen Gillmor

PROPOSED ORDER

PLAINTIFF'S EX PARTE MOTION TO SHORTEN TIME FOR
HEARING ON PLAINTIFF'S MOTION TO HAVE WITNESS TESTIFY
BY VIDEO OR TO CONTINUE TRIAL

COMES NOW, Plaintiff RAYMOND WARE, by and through his attorney, Daphne E. Barbee, and moves this Court, ex parte, for an order shortening the time for hearing on his Motion to allow witness Allen Willey to testify by video or to continue the trial date, which is presently scheduled for March 11, 2008, due to his poor health and physician's request filed herewith. This Motion is made on the grounds that good cause exists for a shortened time for hearing, as presented herein.

This Motion is based upon Rule 7 of the Federal Rules of Civil Procedure, Rule 7.5 of the Local Rules, the attached Declaration of Counsel, the attached Motion to allow witness Allen Willey to testify by video or to continue the trial date; Exhibits 1, 2 and such further information as may be presented at a hearing on the Motion.

DATED: Honolulu, Hawaii, 3-4-08.

D.P.
DAPHNE E. BARBEE
Attorney for Plaintiff